

March 14, 2012

**Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Room TW-A325
Washington, DC 20554**

Dear FCC Review Officials,

Re: CC Docket No. 02-6 ...MR1: Our records show that your appeal was postmarked more than 60 days after the date..... DR1: ...During the course of review, it was determined that the funds were erroneously committed for the funding request 1711150, which was not justifies as cost effective. DR2 Notice of dismissal of applications pursuant to the Red Light Rule.

On behalf of the students, staff, parents, and administrators at El-Hajj Malik El-Shabazz Academy (hereinafter "Shabazz Academy") here in Lansing, Michigan I submit this request to the FCC for appeal seeking reversal of the September 9, 2010 decision denying my school's appeal of the SLD's 4/27/2010 COMAD decision of which I never received a copy of til July 8, 2010. See attached Exhibit 1 and 2 which are my requests that a copy of the COMAD decision be sent via certified mail and further explanations related to the initial COMAD letter.

Further I seek reversal of three decisions by the SLD that included a Commitment Adjustment and Denial of an Appeal.

As the COMAD was for return of \$29,160.00 in funds paid on behalf of internet services received by my school in 2008, not being able to pay the amount resulted in the Red Light Rule being applied.

I further wish to appeal the Notification of Commitment Adjustment Letter (Funding Year 2008: July 1, 2008 – June 30, 2009) which I received on July 8, 2010 after requesting a copy be sent to me in my appeal letter dated June 24th 2010. This letter has a April 27, 2010 date which says that "... the applicant must select the most cost effective service or equipment offering, with price being the primary factor, which will result in it being the most effective means of meeting educational needs and technology plans for requested services should be based on an assessment of their reasonable need." And further that "Since FRN 1711150 exceeded the applicants reasonable needs, this funding commitment is rescinded in

full and SLD will seek recovery of any improperly disbursed funds from the applicant.”

Appeal of Cost Effectiveness Complaint

1) Once our 470 was posted, we received one bid which was from American Internet Group (AIG). Considering the activities found in our plan, and relative to the needs of our 97% low income student population and staff, we determined that the bid proposal was fair and cost effective. Hence AIG was approved.

2) SLD's own in house application monitor, Program Integrity Assurance, approved the cost for the items after the service provider satisfactorily answered all of their questions.

3) When compared with similar sized schools Shabazz's costs appear to be quite reasonable. See Exhibit 2.

Appeal of Reasonableness of Technology Plan

Our school's technology plan has as its focus equitable technology implementation, equal access and equitable distribution of human and financial resources for an underserved population, 97% poverty rate, and a 99% underserved minority student body. Throughout the plan we placed emphasis on identifying human and technical resources that would enable our students to bridge the digital gap that exists at Shabazz Academy.

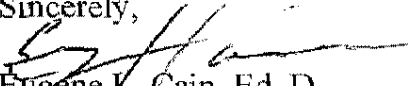
Upon completion of the technology plan we submitted it to our intermediate school district's technology office for review wherein it was approved after we made a couple of changes (See Exhibits 3 and 4). The plan also received approval from the Michigan Department of Education wherein they notified SLD of its approval. At no time did SLD inform my school or either of the two approving parties that the technology plan was unacceptable.

Additionally, our request for continuation of T1 high speed internet is reasonable and exactly what is called for in our technology plan dating back to 2002. The need to switch from Michigan State University's lower cost internet service was because of the constant hacking from students and others on their network – resulting in significant downtime for our program making online testing and web collaboratives impossible.

I humbly ask the FCC to remove the 2008 COMAD and related Red Light Rule in it's entirety as our students, staff and parents will be negatively impacted because

our small school budget does not allow funding for many of the so necessary discounted services we receive through the ERATE Program. We love the program. Otherwise, we will have to reduce staff and services to overcome the shortfall.

Sincerely,



Eugene L. Cain, Ed. D.

Chief School Administrator